

To the Honourable
Commissioners of the SEWERS
OF
The City of *LONDON*.

1609/4173.



To the Honourable
Commissioners of the SEWERS

O F

The City of *L O N D O N*.

WE, your Committee appointed by your Order of the 21st of *June* last, to Examine into your present Powers, in regard to the Repair of the Pavement of this City and Liberties thereof, and to Report what in our Opinion may be proper to do therein, have for this Purpose perused, and Attentively considered the several Acts of Parliament upon this Subject, and find,

That by the Act for Rebuilding of the City of *London*, the Power of Designing and Setting out the Number and Places for all Common Sewers, Drains and Vaults ; and the Order and Manner of Paving and Pitching the Streets and Lanes within the said City and Liberties, was (amongst others) vested in Commissioners appointed from time to time by the Court of Common Council, with Power to Tax all Houses within the said City,

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and

and Liberties, in Proportion to the Benefit they should receive thereby, towards making, cutting, enlarging, amending and cleansing the said Drains, Sewers, Pavements and Pitching.

That by a subsequent Act of the 22d and 23d Year of King CHARLES the Second, the said Powers were made perpetual: And for preventing all future Irregularities in Paving the said Streets, Lanes, and Passages, and the frequent Defaults of Cleansing the same, the sole Power of Ordering, Designing, and Regulating, as well the Cleansing the said Streets, Lanes and Passages, as the Pitching and Paving, with the Order and Manner thereof, was vested in the Corporation, to be executed by Commissioners appointed by Common Council: And all Scavengers, and others employed in such Works, were required to obey and execute their Orders and Directions upon Pain of Indictment, unless they submitted to pay such Fines as the Commissioners should adjudge. And the said Commissioners were impowered to Tax the several Wards and Precincts, and to require the respective Deputies and Common Council Men to assess, and the respective Scavengers to collect and levy the same, as well upon the Tenants of occupied, as upon the Owners of unoccupied Houses



Houses and Tenements. The Assessments upon Parishes in respect of Churches and Church-yards to be paid by the Church-Wardens; the Assessments in general to be made by the Commissioners, in Cases of Neglect in the Deputies and their Common Council, and to be levied by Distress and Sale, and paid into the Chamber of *London*, and issued by Order of the Commissioners. And it was Particularly enacted, that, upon Complaint by any Citizen or Inhabitant, of a Defect or Decay of any of the said Pavements, and due Proof that such Grievance is unreformed, the Complainant should forthwith receive the Commissioners Order for redressing the same, and a Warrant upon the Chamberlain for defraying the Charge thereof, with a Reward not exceeding Ten Shillings. Persons agrieved by the said Assessments have an Appeal given them to the Court of Aldermen, whose Order is to be final: And it is declared, that no Person made liable by this Act to be assessed, shall be otherwise charged therewith, or liable thereto, or be prosecuted in respect thereof, any Law, Custom, or Usage to the contrary, notwithstanding.

That by an Act of the 2d of King WILLIAM and Queen MARY, it was enacted, That for the better Cleansing the said Streets,

Streets, Lanes and Passages, the same should be Ordered and Managed, and Impositions laid and levied, and all other Ways and Means used and observed, according to the ancient Usage and Custom of the said City. And the Lord Mayor or any Alderman is authorized, on his own Knowledge or View, to present to the Sessions any Offence in laying Ashes or Rubbish, or other Nuisance or Obstruction, in any of the said Streets, Lanes, or Passages, for which the Offender may be fined as far as Twenty Shillings, to be levied by Distress, and paid into the Chamber for the City's Uses.

That by an Act of the 7th of the Reign of Queen ANNE, Collectors refusing or neglecting to Attend the Commissioners, upon Notice, or to Account before them upon Oath, or to Collect their Assessments, or to pay the Balance into the Chamber, may be fined by the Commissioners, as far as Ten Pounds, to be levied by Distress and Sale, and applied towards Maintaining and Cleansing the public Drains, and Sewers.

That by another Act of the 10th Year of the Reign of King GEORGE the Second, reciting the said Act of the 22d and 23d of King CHARLES the Second, and
that

that frequently, for want of Distress upon vacant Premises, the necessary Tax for Paving before the same cannot be levied, and thereby such Parts remain unpaved : For Remedy thereof, the said Commissioners are authorised to order such Parts to be paved and cleansed, and to impose the necessary Expence upon the Owner, to be paid by the next Occupier, or levied upon him by Distress and Sale, and deducted and allowed him out of his Rent ; the Chamberlain in the mean time to advance the same, and be repayed when levied upon the Occupier. And for preserving the Foot-Passages, the said Commissioners are empowered to order, design, and set up Posts where necessary, and for this Purpose to impose Taxes, to be charged and levied as the other Taxes.

Now in order to form our Judgment how far, and in what Instances, the Powers thus vested in the Commissioners of Sewers are or are not sufficient for remedying the bad Pavements and other Nuisances complained of in the Streets, Lanes, and Passages of this City and Liberties, We have in the next place taken into Consideration the present State and Condition of the said Streets, Lanes and Passages, the Defects under which they labour, and the Causes to which those Defects are

principally owing; and we are humbly of Opinion,

I. That the Pavements in general are very bad, occasioned chiefly (as we conceive) by their being partially repaired by the respective Housholders (whence great Irregularities and Defects will necessarily arise); and by the frequent Breaches made therein by the Water-Companies, and their slight Manner of making good the same.

II. That the prevailing Method of placing the Channels in the Middle of the Streets, with cross Channels running into them, renders the same very inconvenient and dangerous to Passengers, and highly prejudicial to Horses and Carriages, especially in Times of Frost.

III. That the Foot-ways, by not being raised above the Level of the Streets, are liable to be annoyed with Mud and Filth, and to be overflowed with Water, whereby the same are rendered very inconvenient in Wet, and very dangerous in Frosty Weather.

IV. That the Method of securing these low Foot-ways by Posts in some degree narrows and obstructs the Passage on both
Sides,

Sides, occasions an unnecessary Expence, and by their Irregularity and Aptness to decay, destroys the Beauty and Symmetry of the Streets.

V. That the great and daily-increasing Projection of large Signs obstructs the free Circulation of the Air, in high Winds often proves dangerous, and in Rainy Weather always an Annoyance to Foot-Passengers, and at Night more or less intercepts the Light of the Lamps.

VI. That Foot-Passengers are still more annoyed where the Water from the Tops of Houses is conveyed by Spouts projecting into the Streets.

VII. That the Coach-ways are rendered very inconvenient and dangerous to Horses and Passengers and sometimes prejudicial to the Health of the Inhabitants themselves, by the too frequent Practice of throwing Ashes, Dirt, Oyfter-shells, broken Glass or earthen Ware, Offalls, and other offensive Things into the Streets, instead of reserving them in proper Places to be removed by the respective Rakers.

VIII. That the Foot-ways are annoyed with accumulated Filth, and thereby rendered not only disagreeable but dangerous,
through

through the Neglect of House-keepers, in not causing their Servants to sweep and cleanse the same once every Day.

IX. That the Coach-way in many Streets is greatly obstructed, by an increasing Practice of loading and unloading Stage Waggons in the King's Highway.

X. And lastly, That the Foot-way is in many Places obstructed by the Projection of Bulks and Shew-Boards, and greatly endangered by the Encroachments of Vaults, and Cellar Doors and Windows.

By comparing the Nature and Extent of your present Powers with the several Nuisances thus pointed out, we are humbly of Opinion that the same are defective in the following Particulars.

I. Whatever Construction the Act of the 22d and 23d of CHARLES the Second might legally receive, if now recently passed, yet considering the constant Usage which has prevailed for near a Century, and the particular Power given by the Act of GEORGE the Second, for Paving before untenanted Houses (which seems to imply the Want of a General Power) We humbly conceive, that your Power extends only to Order, Design, and Regulate the Manner

ner of the Paving, and not the Paving itself ; except only in Two Cases, *viz.* that of untenanted Houses, or where a Defect complained of continues unreformed, and that consequently you have no Power to assess any General Tax for Paving.

II. That except in those two Particular Cases, you have no Jurisdiction over the Inhabitants, in respect of Paving or Nuisances, otherwise than in Ordering them to be indicted, which any private Persons may do as well as you : Nor is your Power over the Paviments or Scavengers much greater, since they may chuse whether they will submit to your Sentence ; and in case of Refusal can only be prosecuted by Indictment, which being a very tedious and expensive Remedy, without any proper Fund to support it, is seldom, if ever, pursued.

III. That you have no particular Comp-troll over the Water-Companies, either to prevent their breaking up more of the Pavement than is necessary, or their relaying it in a slight and insufficient Manner, or to punish them for so doing.

IV. That you are only authorised to set up Posts where necessary, but not to remove them where found inconvenient.

V. And

V. And lastly, That you have no Jurisdiction over Signs and Water-Spouts, nor any Authority to remove either temporary Nuisances, such as Stage-Waggons loading or unloading in the Streets, or such permanent ones, as Bulks, Shew-boards, Vault and Cellar Doors and Windows encroaching upon the Foot-ways.

We beg Leave (by the by) to observe, that where you have Power to tax, as in the Case of Sewers and Drains, your Power is defective in the Instance of a House let to Inmates, in that of the Removal of a Person assessed, and in that of the Deficiency of a Collector.

If therefore it is to be wished, that the Defects, which we have taken the Liberty to point out, should be remedied, the Commissioners must be vested with the sole Power and Authority of paving the Streets, and removing all Nuisances therein.

To enable you to form some Judgment of the first Cost of new-paving both the Coach and Foot-Ways, we have enquired into the several Prices contracted for by the Commissioners for the New Pavement at *Westminster*: We have also caused the Street, from *Temple-barr* to the Middle of *Fleet-Bridge*, to be surveyed and measured; and have thereupon formed the following Estimates, by way of Specimens;

3466 Feet

	<i>s. d.</i>	<i>l. s. d.</i>
3466 Feet running of Moor Stone Step	} 2-9	476-11-6
Curb at - - - - -		
647 Yards superficial of old Purbeck	} 1-0	32-7-0
Paving relayed in the Foot-		
Way at - - - - -	} 5-2	507-17-8
1966 Ditto - - of New Purbeck Pa-		
ving, lay'd in Ditto - - at	} 7-8	2624-6-0
6846 Ditto - - of New Paving in		
the Coach-Way, lay'd with		
Scotch Stones, at - - - - -		
		<u>l. 3641-2-2</u>

Besides the Charges,

of removing Rubbish at 2 *s.* per Load.

Labour in removing Posts, and }
levelling the Ground, at - } 2 *s.* per Man per Day.

Fitting Kirbs round the Areas and Windows,
and altering the Water-Spouts, and of Iron-
Work in Grates, &c.

But if the Foot-Ways were to be bordered with }
Purbeck Steb Curb, instead of Moor-Stone, it }
might be done at 1 *s.* 9 *d.* per Foot Running, } 173-6-0
which would make a Saving of - - - - - }

And if the Old Guernsey Pebbles were relay'd, }
instead of laying the Scotch Stones, it might be }
done at 6 *d.* per Yard superficial, which would } 2453-3-0
make a further Saving of - - - - - }

Total Saving - - 2626-9-0

So that in this Case the Estimate will be but 1014-13-2

instead of 3641-2-2

Whether

Whether so great a Difference of Expence in these two Methods of Paving, would be compensated by the Difference in their Goodness and Duration, Time and Experience only can evince. We are sensible that either way the Charge is considerable; but when we reflect upon the Danger there is, that the Improvements in the Streets of *Westminster*, unless emulated by the City of *London*, will soon affect her Retail-trade; and in consequence her Population, whereby the Burthen of our Taxes, will be proportionably increased; and that a good and solid Pavement, when once compleated, will be kept in Repair at small Expence: We flatter ourselves with the Hope, that no Inhabitant, nor indeed any Landlord, will grudge to contribute by a reasonable and proportional Tax, to the carrying on so laudable and so necessary a Work.

Nor do we mean to throw the whole Expence of such an Undertaking upon the present Generation, it being but reasonable that, as Posterity will share in the Advantage, they ought to bear Part of the Burthen.

This we think might be done by borrowing the Money necessary for the Outset,

set, upon the Security of the proposed Tax, at a moderate Interest; and it is to be hoped that the Legislature, who have been so liberal in their Encouragement to the City of *Westminster*, may be induced to grant to the City of *London*, the Benefit of a Sunday's Toll at the several adjoining Turnpikes, and of a Lottery, whenever the Exigencies of the Government shall permit. We likewise hope that the several rich Companies and great Offices within this City, as well as Numbers of our opulent Merchants and Citizens, would largely contribute to so public and so necessary a Work.

We also are of Opinion, that the Business of Lighting and Cleansing the Streets ought to be under the same Management, and one Tax collected for the whole, in which Case the Surplus of the Lamp-Duty, now in the Chamber of *London*, and all future Savings in the two last Articles, might with Propriety be applied to the first Cost of rectifying the Pavements, and making the other Improvements above proposed.

Upon the whole, we earnestly recommend a speedy Application for such further Powers, and such Ways and Means for carrying

carrying this desirable Scheme into Execution, as to the Wisdom and Goodness of Parliament shall seem meet.

All which nevertheless we humbly submit to the Judgment of this Honourable Court. Dated this 28th Day of August, 1765.

William Tyser.

John Paterson.

G. Mason.

Peter Moulson.

Christ. Robinson.

James Kettilby.

Cha. Easton.

Richard Townsend.

John Poultney.

Thomas Horn.

William Blunt.

Thomas Hallifax.

John Walker.

